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CNIC INSTRUCTION 11000.1

From: Commander, Navy Installations Command

Subj: NON-FEDERAL ENTITIES ON BOARD NAVY INSTALLATIONS

Ref: (a) DoD Instruction 1000.15 of 24 Oct 2008
(b) DoD 5500.07-R, Joint Ethics Regulation, 17 Nov 2011
(c) SECNAVINST 11011.47B
(d) NAVFAC P-73

Encl: (1) Commander's Quick Reference Guide to Non-Federal
Entities
(2) Sample Format for Charter/Bylaws
(3) Sample Format for Meeting Minutes
(4) Sample Format for Requesting Authorization to Operate
on an Installation

1. Purpose. To issue policy governing non-Federal entities (NFEs) on Navy installations and to implement reference (a). This instruction applies to all NFEs conducting activities on board Navy installations except where otherwise provided by law, regulation, or as noted within this instruction.

2. Background

a. Non-federal entities. An NFE is a self-sustaining organization that is not an official component of the Federal government. An NFE may be incorporated or unincorporated. Examples of NFEs include Petty Officer associations, spouse clubs, the United Service Organization, fraternal organizations, colleges, school districts, and businesses.

b. History. The Navy has long recognized the important role NFEs have in improving the quality of life for Sailors, civilian employees, and their families. NFEs provide opportunities for recreation, socializing, education, and professional development within the Navy community. In many cases, they also enhance esprit de corps and provide additional support to the warfighter.

c. Supporting documents. Enclosure (1) is a reference tool for commanders dealing with NFEs. Enclosures (2) through (4) provide sample formats for NFEs seeking to operate on the installation.

3. Policy

a. Guidelines

(1) NFEs who unlawfully discriminate or deny membership because of race, color, creed, sex, age, disability, or national origin may not conduct activities on Navy installations.

(2) NFEs may conduct activities on Navy installations only with written approval of the Installation Commanding Officer (CO) and only when their activities are consistent with good order and discipline and enhance the quality of life on the base.

(3) NFEs shall be financially self-sustaining. Neither Department of Defense (DoD) components nor non-appropriated fund (NAF) instrumentalities may provide financial assistance to NFEs.

(4) Any logistical support provided by a Navy installation to an NFE may not hinder any Navy or DoD command's military mission or detract from readiness per reference (b).

(5) No NFE may receive preferential treatment. Certain NFEs, however, have authorization for unique support. These include groups such as the USO, the American National Red Cross, certain banks and credit unions, labor organizations, and certain youth organizations. Enclosure (3) of reference (a) provides a list of these organizations, as well as the statutory basis for their support.

(6) Installation COs are authorized to deny or revoke an NFE's permission to operate on the base when the organization fails to comply with this instruction.

(7) Employees of NFEs are not employees of the United States or of an instrumentality of the United States.

(8) Activities of NFEs covered by this instruction shall not in any way prejudice or discredit the Navy or DoD.

(9) This instruction applies to all NFEs unless pertinent statutes, regulations, or higher directives specify otherwise. Consistent with reference (a), this instruction shall not apply to military relief societies, banks, or credit unions.

b. Approval Process For NFEs

(1) Required documentation. An NFE must secure approval prior to operating on base. A request to operate on the installation shall include the following:

(a) Charter. A written charter, constitution, bylaws, or equivalent document. The charter shall sufficiently delineate the NFE's nature, purpose, objectives, and sources of income. No DoD personnel acting in an official capacity, including the Installation CO, shall sign or issue a charter that serves as the legal basis for any NFE.

(b) Membership eligibility. A satisfactory description of the NFE's membership eligibility. In accordance with reference (a), and paragraph 3a above, no NFE may unlawfully discriminate against any person because of race, color, creed, sex, age, disability, or national origin.

(c) Management responsibilities. A satisfactory description of the NFE's management responsibilities. The description should indicate who is responsible for accounting for the NFE's assets, satisfying liabilities, and disposing of any residual assets upon the organization's dissolution.

(d) Member liability. In accordance with reference (a), a certification indicating that the organization's members understand they may be held personally liable if the NFE's assets are insufficient to discharge its liabilities.

(e) Insurance. Proof of liability insurance or a waiver request. Pursuant to reference (a), an NFE shall possess adequate insurance to protect against claims that may result from its activities. The Installation CO may, in his or her discretion, waive the insurance requirement in cases where an NFE's activities present a negligible risk of harm to the base community. In no case, however, may the installation or any Navy component assume liability for the activities of an NFE.

(f) Property removal. An agreement to remove and, if applicable, dispose of any NFE property from the installation in the event permission to operate is revoked or the NFE dissolves.

(g) Background checks. Per enclosure (2) of reference (a), proof that a favorable background check has been completed for any employees and volunteers having continued contact with children under the age of 18.

(2) Term of approval. Permission to operate on board the installation shall ordinarily be valid for 2 years unless the Installation CO specifies a shorter period. Notwithstanding the above, the Installation CO shall ensure the term of approval aligns with the term of any outgrant issued under section 3e(2), below.

(3) Notice of changes. NFEs shall submit prompt notification of any material change in the organization's charter, membership policy, or management responsibilities.

(4) Exception for activities of limited scope. In accordance with reference (a), certain unofficial activities conducted on Navy installations require no formal authorization because of the limited scope of their activities. Examples of such activities include coffee funds, flower funds, and similar small, informal activities. Such activities are therefore not generally subject to this instruction.

(5) Exception for NFEs chartered off-base. NFEs who are chartered off-base and conduct most of their activities off-base may occasionally request logistical support for an isolated event. In such cases, the Installation CO may waive the documentation requirements of section 3b(1) above on a case-by-case basis.

c. Activities of NFEs on Base

(1) Compliance with Federal, state, and local law. NFEs shall comply with all applicable Federal, state, and local law. NFEs are responsible for determining their legal obligations under relevant fire and safety codes, environmental laws and regulations, tax law, and any applicable licensing, certification, or registration mandated by any state, local, or foreign authorities.

(2) Appearance of endorsement. NFE activities may not create the appearance that:

(a) the NFE is an official part of the installation, the Navy, or DoD;

(b) the NFE is officially endorsed by the installation, the Navy, or any DoD component; or

(c) the NFE receives preferential treatment from the installation, the Navy, or any DoD component.

(3) Use of command seals or logos. NFEs shall not use the seals, logos, or insignia of any Navy or DoD component on the organization's letterhead, correspondence, or in connection with any of the organization's activities.

(4) Use of command names. NFEs shall not use the name or abbreviation of any Navy or DoD component in the NFE's name (e.g., "Naval Submarine Support Center First Class Petty Officers' Association") without first securing consent from the Navy or DoD component whose name is used. Any such use must not create the perception that the NFE is an organizational unit of the Navy or DoD.

(5) Disclaimer. In accordance with DoD policy, NFEs whose name suggests a connection to DoD shall prominently display the following disclaimer on all organizational print and electronic media: "THIS IS A NON-FEDERAL ENTITY. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS."

(6) Use of financial statements. NFEs should prepare and maintain financial statements and use budgeting tools commensurate with their level of financial activity.

(7) Meeting minutes. NFEs should prepare and maintain minutes for all meetings. NFEs shall submit meeting minutes:

(a) upon request of the Installation CO; and

(b) upon seeking renewal of permission to operate on board the installation.

(8) Auditing. NFEs handling substantial amounts of money on the installation should undergo periodic audits or

financial reviews consistent with the requirements below. Audits need not necessarily be performed by a Certified Public Accountant (CPA), but must be performed by a disinterested third party with the expertise necessary to perform a meaningful financial review of the organization's activities.

(a) NFEs with gross annual revenue exceeding \$2,500 should maintain an annual financial statement.

(b) NFEs with gross annual revenue exceeding \$25,000 should, at their own expense, undergo an audit every two years.

(c) NFEs with gross annual revenue exceeding \$100,000 should, at their own expense, undergo an audit every year.

(d) These records, along with other records showing sound financial management, should be maintained by the NFE and made available to the Installation CO upon request.

d. Fundraising

(1) Permission of Commanding Officer. In accordance with reference (b), NFEs must get the Installation CO's permission prior to conducting fundraising activities on the base. Commanding Officers of tenant commands may approve fundraising requests within their command spaces provided those events comply with references (a) and (b) and this instruction.

(2) Competition with base activities. NFE fundraising activities shall not compete with the Navy Exchange (NEX), any Morale, Welfare and Recreation (MWR) activities, or any other appropriated or NAF activity on the installation.

(3) Competition with the Combined Federal Campaign. The CFC exists to reduce disruption in the Federal workplace by consolidating fundraising efforts into one yearly event. Accordingly, Commanding Officers of installations shall ensure NFE fundraising efforts do not disrupt the work environment or compete with the CFC for donations.

(4) Fundraising in the workplace. NFE fundraising activities shall not occur in the workplace. The Installation CO has the authority to determine which areas of the base are considered "outside the workplace" for fundraising purposes.

(5) Alcohol. NFEs shall not sell or furnish alcohol to persons on Navy installations as part of any fundraising activity or otherwise.

e. Command support to NFEs

(1) Logistical support. NFEs are responsible for furnishing their own equipment, supplies, and other resources. Unless provided by statute, they have no specific entitlement to logistical support from the Navy. In the Installation CO's discretion, however, NFEs may occasionally receive support in the form of space for meetings and other occasional events, or limited use of command resources. Any such support must be consistent with the seven factors set forth in reference (b), section 3-211. Notable among those factors, the Installation CO must be able and willing to provide the same level of support to comparable events of similar NFEs.

(2) Outgrant for exclusive use of space. NFEs seeking exclusive use of a space for an extended period of time must secure an outgrant. Outgrants require coordination with Naval Facilities Engineering Command (NAVFAC), and generally take the form of a license or a lease. When an NFE seeks exclusive use of a space, reference (c) ordinarily requires the organization to reimburse the Department of the Navy (DON), via a special account in the Treasury, for the fair market value of the property used, administrative expenses such as the costs of surveys and environmental studies, as well as any utilities furnished. Reference (c) and (d) details exception to this policy, as well as specific information and procedures concerning outgrants. Space may not be provided to the requesting NFE until the outgrant is obtained.

(3) Personnel support

(a) Neither Navy members nor civilian employees may be assigned to work for NFEs as an official duty. Navy members or civilian employees may, however, be assigned as official liaisons to represent DoD or DON interests to NFEs in accordance with reference (b).

(b) Navy members or civilian employees participating in NFE activities shall be on off-duty time or in a liberty status unless specifically authorized by law or regulation.

(c) Neither Navy members nor civilian employees may show favoritism toward one NFE over another when acting in an official capacity.

(d) Participation or membership in an NFE is a personal decision. Subordinates may not be coerced or influenced to join or take part in the activities of an NFE. Neither may subordinates be asked to explain a decision not to join or take part in the activities of an NFE.

(e) Staff Judge Advocates (SJAs) and Navy General Counsel (GC) may provide information to NFEs concerning the procedural requirements for operating on the installation. SJAs and GC are generally not permitted, however, to provide legal advice to NFEs.

(4) Unauthorized expenditures. Navy commands shall take action to preclude unauthorized expenditures of appropriated funds, commissary surcharge, or non-appropriated funds in support of NFEs.

4. Responsibilities

a. Region Commanders are responsible for ensuring Installation COs under their cognizance adhere to the policies outlined in this instruction.

b. Installation COs are responsible for:

(1) Being aware of all NFEs operating on the installation.

(2) Denying access and recognition to any NFE unlawfully discriminating or denying membership because of race, color, creed, sex, age, disability, or national origin.

(3) Ensuring compliance with this instruction.

5. Action

a. Installation COs shall:

(1) Identify all NFEs operating on the installation.

(2) Require all NFEs to file the necessary paperwork in order to operate on the base.

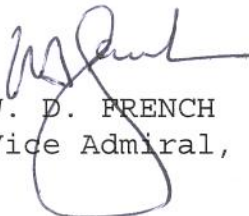
(3) Ensure NFEs seeking exclusive use of space for an extended period of time obtain the necessary outgrants.

(4) Designate a person to manage the NFE program on the base and serve as a point of contact for procedural questions.

(5) Deny or shut down any NFE threatening good order and discipline on the base.

(6) Act upon fundraising requests from NFEs.

(7) Distribute information on procedures for individuals to follow when they suspect unlawful discrimination by an NFE, per enclosure (2) of reference (a).


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**COMMANDER'S
QUICK REFERENCE GUIDE
TO
NON-FEDERAL ENTITIES**



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SPECIAL NOTE: While every effort has been made to ensure the accuracy of this Quick Reference Guide, it does not substitute for the informed advice of a Staff Judge Advocate or Navy OGC attorney. Commanders should consult with counsel on the specific circumstances of each legal issue.

WHAT IS A NON-FEDERAL ENTITY?

REFERENCES: (a) DODI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”)

NON-FEDERAL ENTITY DEFINED: A “non-Federal entity” is a self-sustaining organization that is not an official component of the Federal government. A non-Federal entity (NFE) may be incorporated or unincorporated.

NFEs INCLUDE:

- Family Readiness Groups (FRGs) and spouses clubs
- Commercial businesses and contractors
- Charities and non-profits
- Civic organizations such as the Navy League or Chambers of Commerce
- Youth organizations (e.g., Boy Scouts, Girl Scouts, Navy Sea Cadets)
- Wardrooms, CPO Mess, and First Class Petty Officers’ Association
- Navy Ball committees
- Veterans organizations (e.g., VFW or American Legion)
- Commissioning committees
- Credit unions (e.g., Navy Federal)
- Local schools, public and private
- Political parties
- Professional organizations (e.g., Washington State Dental Association)

NFEs DO NOT INCLUDE:

- Military commands
- MWR
- Navy Exchange or AAFES
- DECA Commissaries
- Other Federal departments and agencies
- Unofficial activities of limited scope (e.g., coffee or flower funds)

ENDORSEMENT OF NFEs

- REFERENCES:** (a) DOD 5500.7-R, Joint Ethics Regulation (JER) § 3-209
("Endorsement")
(b) JER § 3-210 ("Fundraising and Membership Drives")
(c) DODI 1000.15 ("Procedures and Support for Non-Federal Entities
Authorized to Operate on DoD Installations")
(d) 5 C.F.R. § 2635.702 ("Use of Public Office For Private Gain:
Endorsements")
(e) JER § 3-209 ("Endorsement")

GENERAL RULE: DoD members may not officially endorse or provide preferential treatment to NFEs. Implied endorsements, as well as express endorsements, are prohibited.

EXAMPLES OF IMPROPER ENDORSEMENT:

- A statement from a DoD official recommending the audience contribute funds to an outside organization.
- "Testimonials" from DoD personnel used in NFE advertising.
- In some circumstances, conspicuous attendance at an NFE meeting or event wearing a uniform.
- Use of DoD seals, emblems or logos at an NFE event.

EXCEPTION – WHEN AUTHORIZED BY REGULATION: DoD personnel may endorse NFEs if specifically authorized by regulation. NFEs that may receive endorsement include the Combined Federal Campaign (as a whole), the Navy-Marine Corps Relief Society, DoD-authorized emergency funds, Family Readiness Groups, and organizations composed primarily of DoD members and their families.

EXCEPTION – INDIVIDUALS ACTING IN A PRIVATE CAPACITY: A DoD member may endorse an NFE in his or her private capacity so long as the member is not identified by rank or military affiliation and provided official endorsement is not implied from the circumstances.

PERMISSION TO USE NAME: In order to include the name of a Navy or DoD component as part of its own name, an NFE must get permission from that Navy or DoD component.

DISCLAIMER: NFEs whose name suggests some connection with the Navy or DoD must prominently display the following disclaimer on all print and electronic media: "THIS IS A NON-FEDERAL ENTITY. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS." The disclaimer must also be mentioned in oral communications when the name of the NFE is used.

NFEs OPERATING ON DON-CONTROLLED PROPERTY

REFERENCES: (a) DODI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”)
(b) DOD Directive 1000.26E (“Support for Non-Federal Entities Authorized to Operate on DoD Installations”)

GENERAL RULE: NFEs must receive written authorization from the CO prior to operating on the installation. The CO should also periodically review NFE activities to ensure conditions allowing the organization to operate on base still apply.

REQUIREMENTS FOR PERMISSION TO OPERATE ON THE INSTALLATION:

- 1) Submit written charter, by-laws, or other documents delineating the NFE’s nature, function, objectives and any sources of income.
- 2) Submit written documentation of the NFE’s membership eligibility to ensure the organization does not unlawfully discriminate;
- 3) Submit written documentation concerning the NFE’s management responsibilities;
- 4) Submit a certification indicating that the NFE’s members understand they may be personally liable if the assets of the organization are insufficient to discharge its liabilities;
- 5) Maintain adequate insurance to protect against liability, property damage, or other legal claims that may arise due to its activities; or, a waiver from the CO in cases where the NFE’s activities present a negligible risk of harm;
- 6) Agreement to remove all NFE property from the installation in the event permission to operate on the base terminates.

EXCEPTION: Certain unofficial activities do not need formal authorization because of the limited scope of their activities. Office coffee funds, flower funds, and similar small-scale, informal activities as determined by the CO do not require formal authorization.

WAIVER OF PROCEDURAL REQUIREMENTS: On a case-by-case basis, the installation CO *may* waive the above documentation requirements for off-base NFEs requesting logistical support for an isolated event.

COMPETITION WITH MWR OR NAF ACTIVITY: NFEs operating on an installation may not compete with or detract from local programs, including MWR activities. Rather, an NFE may only supplement those programs when specifically authorized by the installation CO or higher authority. Consultation with the local MWR director is often advisable.

FINANCIAL ASSISTANCE: Neither appropriated nor non-appropriated funds may not be provided to an NFE.

LOGISTICAL SUPPORT FOR NFE EVENTS

REFERENCES: (a) JER § 3-211 (“Logistical Support of Non-Federal Entity Events”)
(b) DODI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”)
(c) DODD 5410.18 (“Public Affairs Community Relations Policy”)
(d) SECNAVINST 11011.47B (“Acquisition, Management, and Disposal of Real Property Interests by the Department of the Navy”)

GENERAL RULE: Limited logistical support *may* be provided to an NFE when the support does not interfere with the installation’s military mission and otherwise meets the seven-part test below. NFEs, however, have no entitlement to DoD support. Fiscal limitations and the rules against preferential treatment often prevent providing support to NFEs.

CHECKLIST FOR LOGISTICAL SUPPORT: An installation CO may provide limited logistical support if he or she determines all of the following:

- 1) The support would not interfere with official duties or detract from mission;
- 2) The support is in DoD’s public affairs interest, military training interests, or community relations interest;
- 3) It is appropriate to associate DoD and the Navy with the supported event;
- 4) The supported event is of interest and benefit to the local community, the DoD command providing support, or any other part of DoD;
- 5) The supporting command is willing and able to provide similar support to similar organizations if requested;
- 6) The support is not otherwise barred by another law or directive (for example, other instructions restrict the use of government vehicles and aircraft); and
- 7) The supported event involves either no admission fee, an admission fee only sufficient to cover the costs of supporting the event, or the DoD support is incidental to the event.

EXAMPLES OF COMMON REQUESTS FOR LOGISTICAL SUPPORT:

- Requests for meeting space from the Boy Scouts;
- Requests to hold events or receptions on Naval vessels;
- Requests to use installation softball fields for tournaments.

EXCEPTION – SO CALLED “BY OUR OWN, FOR OUR OWN” ORGANIZATIONS:

Organizations composed primarily of DoD employees or their dependents, when fundraising among their own members for the benefit of welfare funds for their own members or their dependents, are not subject to the requirements above.

LOGISTICAL SUPPORT FOR NFE EVENTS
(Continued)

NFEs HAVING SPECIAL STATUS: Certain organizations are entitled under law to special DoD support. Please see section entitled “Special Status NFEs” for a list of these organizations.

FUNDRAISING EVENTS: Logistical support for charitable (as opposed to fundraising for the non-charitable NFEs) organizations may be authorized on a limited basis if the CO determines that the first 6 criteria in the “checklist” above are met and the sponsoring NFE is not affiliated with the CFC (including local CFC) or, if affiliated with the CFC, the Director, OPM, or designee, has no objection to DoD support of the event.

MUSICAL RESOURCES: Do not qualify as logistical support.

EXTENDED SUPPORT – REAL ESTATE LICENSE AND LEASE AGREEMENTS: When an NFE seeks space on an installation for an extended period of time, it must execute a real estate license or lease agreement, which typically requires the NFE to pay fair market value for the space and be responsible for utilities and administrative costs. The Commanding Officer of the installation should consult with NAVFAC to determine the proper real estate instrument to use. Spouses clubs seeking enduring space on an installation typically operate under a license.

NFEs HAVING SPECIAL STATUS

REFERENCES: (a) DODI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”)
(b) JER § 3-210 (“Fundraising and Membership Drives”)

GENERAL RULE: Certain NFEs are entitled to special treatment under the law and may receive additional support. The nature of this additional support is described in the underlying legal authority for each such organization. This legal authority (e.g., act of Congress, Executive Order, agency regulation, Memorandum of Understanding) must be consulted when determining a specific NFE’s support eligibility.

For example, the USO’s support eligibility is set out in Section 220101 of Title 36 of the United States Code, as well as in a 2008 Memorandum of Understanding between the USO and DoD.

LIST OF NFEs HAVING SPECIAL STATUS:

- Certain banks and credit unions
- United Service Organization (USO)
- Some labor organizations
- The Combined Federal Campaign (CFC)
- American Registry of Pathology
- Henry M. Jackson Foundation for the Advancement of Military Medicine
- American National Red Cross
- Boy Scouts (Jamborees and Assistance in Foreign Areas)
- Girl Scouts International Events
- Shelter for Homeless
- National Military Associations (Navy League)
- Navy-Marine Corps Relief Society
- National Veterans' Organizations
- United Seamen's Service Organization
- Civil Air Patrol
- Presidential Inaugural Ceremonies
- Armed Services Young Men's Christian Association
- Some youth and charitable organizations

OFFICIAL PARTICIPATION IN NFEs

REFERENCES: (a) JER § 3-200 (“Attendance”)
(b) JER § 3-201 (“Membership”)
(c) JER § 3-202 (“Management”)

OFFICIAL ATTENDANCE AT NFE EVENTS: If a legitimate official purpose exists, DoD employees may be permitted to attend meetings, conferences, seminars or similar events sponsored by NFEs in their official capacity and at government expense. Attendance at such events may also be authorized “at no additional cost to the Government” where appropriate. Supervisory authorization for attendance is generally sufficient unless the supervisor is a participant in the NFE.

EVENTS WITH A LIMITED AUDIENCE: Where an event provides only a limited audience – thus giving the appearance of special access to DoD officials – official attendance is ordinarily improper.

SERVICE ON BOARDS, COUNCILS OR COMMITTEES: A DoD employee generally may not serve on an NFE’s board, council, or committee in his or her official capacity unless specifically authorized by law. Further, DoD employees may not serve in their official capacities as advisors or consultants to NFEs.

DoD LIAISON ASSIGNMENT: While DoD employees may not generally serve on NFE boards or committees, they may sometimes be appointed as liaisons to the organization in situations where there is a “significant and continuing military interest.” Per JER § 3-201, any request to serve as a DoD liaison must be forwarded to the head of the command or organization. While liaisons serve as part of their official duties, they may only act in an advisory capacity and only to discuss matters of mutual interest to DoD and the NFE. DoD liaisons may not take part in matters of management or control. Liaisons must also inform the NFE that their opinions do not bind DoD or any of its components.

PERSONAL PARTICIPATION IN NFEs

REFERENCES: (a) JER § 3-300 (“Participation”)
(b) JER § 3-301 (“Membership and Management”)
(c) JER § 3-301 (“Use of Federal Government Resources”)
(d) JER § 3-303 (“Use of Federal Government Resources”)
(d) JER § 3-305 (“Use of Federal Government Resources”)
(e) JER § 3-306 (“Prior Approval of Outside Employment and Business Activities”)

GENERAL RULE ON PERSONAL PARTICIPATION: DoD personnel may take part in an NFE’s activities so long as they participate in a purely personal capacity. DoD employees may even serve as members or managers of an NFE provided they act exclusively outside the scope of their official position.

USE OF OFFICIAL TITLE, POSITION, OR ORGANIZATION NAME: DoD personnel may not use, or allow the use of, their official title, position, or organization names in a way that suggests DoD endorsement of an NFE. Care should be taken to ensure official titles, positions, and images are not used on the organization’s website, letterhead, or promotional materials.

EXCEPTION FOR USE OF MILITARY GRADE AND DEPARTMENT: DoD personnel may, however, use their military grade and department as part of their name (e.g., Captain Robert Smith, U.S. Navy, is permissible; while Captain Robert Smith, Commanding Officer, Naval Submarine New London, is not) in a manner similar to other conventional titles (e.g., Mr., Ms., Dr., or Honorable) in their personal activities.

USE OF GOVERNMENT RESOURCES: DoD personnel generally may not use appropriated funds, official personnel, or government resources (including government e-mail addresses) to assist an NFE. Supervisors, after consultation with an Ethics Counselor, may permit an exception for the limited use of government resources where the following apply:

- (1) The use does not adversely affect the performance of official duties;
- (2) The use is of reasonable duration and frequency, and made only during the DoD employee’s personal time such as after duty hours or lunch periods;
- (3) The use serves a legitimate public interest (such as supporting local charities or volunteer services to the community; enhancing the professional skills of the DoD employee);
- (4) The use does not put Federal government resources to uses that would reflect adversely on DoD or the DoD component;
- (5) The use creates no significant additional cost to DoD or the DoD component.

USE OF DOD EMPLOYEES: DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support

PERSONAL PARTICIPATION IN NFEs
(Continued)

of NFEs, nor for any other non-Federal purposes, except as provided by the Joint Ethics Regulation.

OUTSIDE EMPLOYMENT AND BUSINESS ACTIVITIES: Many DoD employees, especially those who are required to file periodic financial disclosure reports, are required to obtain written approval from an Ethics Counselor before working for (with or without compensation) or doing business with an organization who is itself doing business with the Federal government.

FUNDRAISING

- REFERENCES:** (a) JER § 3-210 (“Fundraising and Membership Drives”)
(b) 5 C.F.R. § 2635.808 (“Fundraising Activities”)
(c) 5 C.F.R. § 950.102(b) (“Scope of the Combined Federal Campaign”)
(d) DODI 5035.01 (“Combined Federal Campaign Fundraising Within the Department of Defense”)
(e) JER § 3-300 (“Participation”)
(f) JER § 2-302 (“Management”)
(g) SECNAVINST 5340.7 (“Active Duty Fund Drive in Support of the Navy-Marine Corps Relief Society”)
(h) SECNAVINST 5340.2D (“Fundraising and Solicitation of Department of Navy Personnel, Military and Civilian, in the National Capital Area”)

QUESTIONS TO ASK CONCERNING FUNDRAISING ISSUES:

- (1) What kind of fundraising is at issue?
- (2) Does the fundraising involve in-kind gifts or cash donations?
- (3) What kind of NFE is involved?
- (4) Where is the fundraising being conducted – in the workplace or outside?
- (5) Are DoD personnel being asked to endorse the fundraising effort?
- (6) Are DoD personnel being asked to provide logistical support for the fundraising effort?
- (7) Is the fundraising for a partisan political event or cause?

COMBINED FEDERAL CAMPAIGN (CFC): The CFC is the only authorized solicitation of DoD personnel in the workplace on behalf of charitable organizations. The CFC was designed to reduce disruptions in the Federal workplace by consolidating all approved solicitations into a single, annual, officially supported campaign.

FUNDRAISING ON BASE: Requires permission of the installation CO and must be done outside the Federal workplace. When reviewing requests from NFEs to raise funds outside the CFC, however, commanding officers are required to consider the negative effects of soliciting on Federal installations, even when outside the Federal workplace, as they may create additional disruptions and possibly compete with the CFC for donations.

FEDERAL WORKPLACE, DEFINED: Commanding Officers are delegated the authority to determine which areas of the installation are considered outside the Federal workplace. For instance, housing areas on an installation, public entrances to exchanges, and community support facilities may be deemed outside the Federal workplace.

GIFTS-IN-KIND: In-Kind donations of food, clothing and toys are a key exception to the general rules on fundraising in the Federal workplace. The exception allows support for many efforts such as food and clothing drives that would ordinarily be prohibited.

FUNDRAISING
(Continued)

PERSONAL PARTICIATION IN FUNDRAISING: DoD personnel may participate in NFE membership drives or fundraising efforts only in their personal capacity when done outside the Federal workplace. In doing so, personnel may not use their official titles, positions, or organization names in a way that suggests DoD endorsement.

GENERAL RULE ON ENDORSEMENT OF FUNDRAISING EFFORTS: DoD personnel may not officially endorse the membership drives or fundraising efforts of any NFE.

EXCEPTION – CFC AND SPECIAL STATUS ORGANIZATION: DoD personnel may endorse the Combined Federal Campaign (as a whole), Navy-Marine Corps Relief Society, and DoD-authorized emergency funds.

EXCEPTION – SO-CALLED “BY OUR OWN, FOR OUR OWN” ORGANIZATIONS: DoD personnel may endorse fundraising efforts of organizations composed primarily of DoD members or their dependents when:

- (1) those organizations are fundraising among their own members;
- (2) the fundraising benefits the welfare funds of the group’s own members or their dependents; and
- (3) the fundraising has been approved by the CO after consultation with the appropriate ethics official.

GAMBLING PROHIBITED: Gambling on Federal property is generally prohibited. As defined, gambling consists of three elements: (1) consideration or pay-to-play, (2) a game of chance, and (3) an offering of a reward or prize.

GIFTS FROM NFEs

- REFERENCES:** (a) 5 CFR 2635.202(a) (“General Standards”)
(b) 31 U.S.C. § 1353 (“Acceptance of Travel and Related Expenses from Non-Federal Sources”)
(c) JER § 4-100 (“Acceptance from Non-Federal Sources”)
(d) JER § 4-401 (“Acceptance of Travel and Related Expenses by a DoD Component From Non-Federal Sources”)
(e) SECNAVINST 4001.2J (“Acceptance of Gifts”)
(f) OPNAVINST 4001.1F (“Acceptance of Gifts”)
(g) 10 U.S.C. § 2601(b) (“General Gift Funds”)
(h) JER § 3-400 (“Acceptance of Gifts By Injured or Ill Service Members and Their Family Members”)

GENERAL RULE: DoD employees may not, directly or indirectly, solicit or accept a gift that is: (1) given from a prohibited source; or (2) given because of the employee’s official position.

GIFT: Any item, gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or any other item having monetary value. The term “gift” also includes services, gifts of training, transportation, travel, lodging, and meals.

NOT A GIFT: Modest food and refreshment not amounting to a meal; greeting cards, trophies, or similar items with little intrinsic value; benefits available to all government employees or military personnel (e.g., “military discounts”); prizes in contests open to the public; items previously secured by a government contract; or anything for which the DoD employee has paid fair market value for.

PROHIBITED SOURCE: A person or organization seeking to do business with DoD, seeking official action from DoD, or who has interests that may be substantially affected by a DoD employee’s official duties.

GIFT ACCEPTANCE PROCESS: All gifts must be reviewed by an ethics official. Prospective donors should submit gift offers in writing. Upon receipt, activities must promptly forward offers through the chain of command via the appropriate acceptance authority’s legal counsel.

GIFT EXCEPTIONS: Gifts from a prohibited source or due to official position of \$20 or less per source per occasion and amounting to no more than \$50 per calendar year; or, gifts arising from a pre-existing personal relationship unrelated to the recipient’s official position

GIFT EXCEPTION – TRAVEL EXPENSES: Under some circumstances, gifts for travel, in-kind accommodation, subsistence, and related expenses may be accepted for

GIFTS FROM NFEs
(Continued)

a DoD employee's attendance at a meeting or similar function related to official duties. Ethics counselor review is required.

GIFTS ACCEPTED ON BEHALF OF THE NAVY: Some unsolicited gifts may be accepted on behalf of the Navy by an appropriate approval authority (e.g., UNSECNAV, CNO, DNS, et al). The following gifts may not be legally accepted: (1) a gift creating the appearance of future favorable consideration to the donor; (2) a gift creating the appearance of an improper endorsement of the donor; (3) a gift that requires substantial expenditures or maintenance disproportionate to the gift's benefit; and (4) gifts that otherwise raise questions of impropriety in light of the donor's relationship to the Navy.

GIFTS TO WOUNDED WARRIORS: Special rules may allow wounded warriors and their families to accept unsolicited gifts under certain circumstances. Gifts to wounded warriors with an aggregate market value exceeding \$1000 require a written opinion from an agency ethics official.

MWR CONCERNS

- REFERENCES:** (a) DODI 1015.10 (“Military Morale, Welfare, and Recreation Programs”)
(b) DODI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”)
(c) SECNAVINST 1700.12A (“Operation Morale, Welfare, and Recreation Activities”)
(d) BUPERS 1710.11C (“Operation of Morale, Welfare and Recreation Programs”)
(e) SECNAVINST 4001.2J (“Acceptance of Gifts”)
(f) 10 U.S.C. § 2575 (“Disposition of Unclaimed Property”)

COMMERCIAL SPONSORSHIP: Consists of assistance, funding, goods, equipment or services to MWR by an entity for a period of time in return for public recognition or advertising promotions. Generally speaking, a commercial sponsorship may be solicited or unsolicited. Solicited commercial sponsorship must be based on best value received and appropriateness of sponsor. Prohibited are preferential treatment for sponsors and penalties for non-sponsors. All sponsorship agreements must receive legal review, typically by the Office of General Counsel. All public recognition must contain disclaimer (i.e., “sponsorship does not imply endorsement”). Sponsorship offers from alcohol or tobacco companies may be accepted, but not solicited.

COMPETITION: NFEs operating on an installation may not compete with or detract from local programs, including MWR activities. An NFE may only supplement those programs when specifically authorized by the installation CO. Consultation with the local MWR director is often advisable.

GIFTS: Non-Appropriated Fund (NAF) employees are subject to the same ethical limitations as other DOD personnel, especially with respect to gifts. MWR can accept conditional or unconditional gifts from individuals or NFEs subject to Navy gift regulations.

ENDORSEMENT: Commanders may endorse or recommend participation in MWR activities, but may not exert undue influence.

NAF EMPLOYEE PARTICIPATION: NAF employees, their families and volunteers may not take part in any game or accept any prize.

ABANDONED PROPERTY IN MWR STORAGE AREAS: MWR may wish to execute waiver agreements with persons storing property in MWR storage areas (including marinas) allowing the property to be sold in the event of abandonment or unpaid storage fees.

MWR ACTIVITIES AT EVENTS: MWR may provide food and beverage services to NFE events on the installation when authorized by the CO.

COMMUNITY RELATIONS EVENTS

- REFERENCES:** (a) DODI 1334.01 (“Wearing of the Uniform”)
(b) DODD 5410.18 (“Public Affairs Community Relations Policy”)
(c) DODI 5410.19 (“Public Affairs Community Relations Policy Implementation”)
(d) DODI 5410.20 (“Public Affairs Relations With Business and Non-Governmental Organizations Representing Business”)
(e) JER § 3-209 (“Endorsement”)
(f) JER § 3-211 (“Logistical Support of Non-Federal Entity Events”)
(g) JER § 3-300 (“Participation”)
(h) OPNAVINST 5350.6C (“Navy Community Service Program”)

DOD POLICY: Well-planned community relations programs help earn public support and understanding of the DoD mission. A principal goal of all DoD community relations activities is to increase public exposure to, and understanding of, military personnel, facilities, equipment, and programs.

GENERAL CRITERIA FOR COMMUNITY RELATIONS EVENTS: (1) The interest of the DoD and the community as a whole are supported; (2) it’s in the best interests of DoD to be associated with the event; (3) support to the event does not interfere with the performance of official duties and does not impair readiness; (4) adequate resources to support are available; (5) DoD is willing to provide similar support to comparable events sponsored by similar organizations; and (6) the support provided is funded through annual appropriations or another authorized funding source.

PERSONNEL INVOLVEMENT ON GOVERNMENT TIME: In some circumstances, personnel may take part in community relations events on government time. Examples may include activities which promote civic awareness or that involve uncompensated public service events such as blood donations and voter registration.

SAMPLE FORMAT FOR CHARTER/BYLAWS

NFE Name
Street Address
City, State, Zip Code

Article 1
Organization Name, Purpose, Objectives

Article 2
General Provisions

Article 3
Officers and Management Responsibilities

Article 4
Membership Eligibility

Article 5
Activities/Funding Sources/Insurance

Article 6
Meetings

Article 7
Amendments

Article 8
Dissolution/Satisfaction of Debts/Disposition of Assets

SAMPLE FORMAT FOR MEETING MINUTES

LOCAL ORGANIZATION [NAME]
P.O. BOX 1234
NEWPORT, RI 02809

1. The meeting of Local Organization [NAME] was called to order on 10 November 2011 at 1800 hours.
2. The following persons were present:
 - a. Members Present:
 - b. Guests Present:
3. OLD BUSINESS:
 - a. The minutes of the last meeting were read and approved (or approved with the following changes):
 - b. The financial report was presented and approved (or approved with the following changes):
4. NEW BUSINESS:
 - a.
 - b.
 - c.
5. DISCUSSION:
 - a.
 - b.
 - c.
6. The meeting was adjourned at 1930 hours. The next meeting is scheduled for 24 November 2011 at 1800 hours in Room 110.

P.O. SECRETARY
Secretary
Date: 12 Nov 2012

P.O. PRESIDENT
President
Date: 12 Nov 2012

**SAMPLE FORMAT FOR REQUESTING AUTHORIZATION TO OPERATE ON AN
INSTALLATION**

From: President, Local Organization
To: Commanding Officer, Naval Station Newport

Subj: REQUEST FOR LOCAL ORGANIZATION [NAME] TO OPERATE ON BOARD
NAVAL STATION NEWPORT

Ref: (a) DoD Instruction 1000.15 of 24 Oct 2008
(b) CNICINST 11000.1

Encl: (1) Local Organization ABC Charter
(2) Local Organization ABC Officers and Phone Numbers
(3) Liability Insurance Policy
(4) Financial Statements
(5) Meeting Minutes

1. Request authorization for Local Organization [NAME] to operate on board Naval Station Newport for a period of two (2) years. Enclosures (1) through (5) are submitted in support of this request.

2. Per references (a) and (b), the undersigned hereby certifies the following:

a. Local Organization [NAME] does not unlawfully deny membership to anyone because of race, creed, sex, age, disability, or national origin.

b. The members of Local Organization [NAME] understand they may be held personally liable if the assets of Local Organization ABC are insufficient to satisfy its liabilities.

c. Local Organization ABC and its members will adhere to all applicable Federal, state, local and foreign law.

d. In the event authorization to operate on the base is revoked or not renewed, the organization agrees to promptly remove any remaining property from the base.

P.O. PRESIDENT

Enclosure (4)